



Extradition Act 2003

2003 CHAPTER 41

PART 1

EXTRADITION TO CATEGORY 1 TERRITORIES

Appeals

28 Appeal against discharge at extradition hearing

- (1) If the judge orders a person's discharge at the extradition hearing the authority which issued the Part 1 warrant may appeal to the High Court against the relevant decision.
- (2) But subsection (1) does not apply if the order for the person's discharge was under section 41.
- (3) The relevant decision is the decision which resulted in the order for the person's discharge.
- (4) An appeal under this ^{F1}section—
 - (a) may] be brought on a question of law or fact^{F2}, but
 - (b) lies only with the leave of the High Court.]
- (5) ^{F3}[Notice of application for leave to appeal] under this section must be given in accordance with rules of court before the end of the permitted period, which is 7 days starting with the day on which the order for the person's discharge is made.

Textual Amendments

- F1** Words in s. 28(4) substituted (15.4.2015) by [Anti-social Behaviour, Crime and Policing Act 2014](#) (c. 12), [ss. 160\(2\)\(a\)](#), 185(1) (with [ss. 21, 33, 42, 58, 75, 93](#)); S.I. 2015/987, art. 2(a) (with art. 4)
- F2** S. 28(4)(b) and preceding word inserted (15.4.2015) by [Anti-social Behaviour, Crime and Policing Act 2014](#) (c. 12), [ss. 160\(2\)\(b\)](#), 185(1) (with [ss. 21, 33, 42, 58, 75, 93](#)); S.I. 2015/987, art. 2(a) (with art. 4)

Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Section 28. (See end of Document for details)

F3 Words in s. 28(5) substituted (15.4.2015) by [Anti-social Behaviour, Crime and Policing Act 2014](#) (c. 12), s. 185(1), [Sch. 11 para. 107](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/987, art. 2(c)(i) (with art. 4)

Commencement Information

I1 Act wholly in force at 1.1.2004, see s. 221 and [S.I. 2003/3103](#), [art. 2](#) (subject to [arts. 3-5](#)) (as amended by [S.I. 2003/3258](#) art. 2(2) and [S.I. 2003/3312](#) art. 2(2))

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